IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8061 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE K.M.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

EX CPL M P SINGH SERVICE NO. 626357 ELECTRIC/FITTER

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 8061 of 2001
MR RAMNANDAN SINGH for the Petitioner
MR DN PATEL, Sr.Central Govt. Standing Counsel
for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 09/10/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE R.K.ABICHANDANI)

#. The petitioner, who was appointed as Airman in the year 1981 in the Electrical Branch was due to complete his term on regular engagement on 5th January, 2001, made an application for extension of service on 23rd July, 1999, seeking extension as per the Policy reflected in the Air Force Order No. 11/99, relating to extension of engagement (Airmen), issued by Air Chief Marshall, Chief of the Air Staff. His application came to be rejected on the ground that he was not eligible for getting such extension, because, he did not fulfill condition no. 4(d) of the said A.F.O.

#. Initially, term of engagement for Airmen was 20 years. Air Force Order No. 11/99 laid down detailed procedure for grant of extension of engagement beyond the initial term of engagement. Accordingly, on completion of engagement, Airman may be granted extension of engagement for further period of six years subject to general principles explained in paras-3 and 4 of the A.F.O. Requirement of passing of the promotion examination is laid down in clause (d) of para-4 of the A.F.O. As per the said requirement, extension of engagement will be granted only to those Airmen who have passed all parts of their promotion examination which make them eligible for promotion to their next higher rank. However, those Airmen who have already appeared at the promotion examination before submission of their applications for grant of extension or those who are likely to appear at such promotion examinations which will make them eligible for promotion to the next rank, may be considered for grant of extension of engagement if they pass promotion examinations three months prior to the expiry of their regular engagement.

#. At this stage, the learned counsel for the petitioner seeks permission to unconditionally withdraw this petition with a view to make representation before the Competent Authority in the matter. The petition is permitted to be unconditionally withdrawn. Rule is discharged with no order as to costs.

[R.K. ABICHANDANI, J.]

[K.M. MEHTA, J.]

pirzada/-